IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31681 of 2006(V)

PETITIONER:

CHANDRIKA PRASAD, AGED 49 YEARS,
(U.D.CLERK, NEDUMANGAD MUNICIPALITY)
W/O.N.PRASAD, AGED 49 YEARS,
RESIDING AT TC 7/706, NITHINAM,
MELKUZHIVILLA LANE, MARUTHANKUZHI,
KANJIRAMPARA P.O., TRIVANDRUM.

BY ADV. SMT.SANDHYA RAJU
SMT.RASHMI RAMESH

RESPONDENTS:

DIRECTOR OF URBAN AFFAIRS,
(FORMERLY DIRECTOR OF MUNICIPAL
ADMINISTRATION), THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 31681 OF 2006 V
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Dated this the 29th November, 2006

J U D G M E N T

The petitioner is an Upper Division Clerk now working in Trivandrum Corporation. She had made a request to the Government to transfer her from Thiruvalla. The authorities were gracious enough to allow that request and posted the petitioner in Thiruvananthapuram District. This was done considering her earlier representation. Within a short period of her joining duty in Trivandrum Corporation, she filed a representation before the Minister for Local Self Government Department stating that she should be posted at Nedumangad in Thiruvananthapuram District which would be more convenient to her.

2. If the petitioner wants to pursue her representation, she is free to do so. But her invoking the provisions of Article 226 of the Constitution of India is misconceived. I find that contentions have been raised in the writ petition alleging malafides on the part of the respondents in not posting her at Nedumangad. I fail to see how the petitioner can raise

allegations of malafides against the respondents when the admitted fact is that her application was sympathetically considered by the respondents and she was granted a transfer from Thiruvalla in Pathanamthitta District to Thiruvananthapuram. Merely on the ground that she is not given a posting at Nedumangad as chosen by her, it is uncharitable on the part of the petitioner to raise unfounded allegations against the respondents. The writ petition is dismissed.

K.K. DENESAN
JUDGE

jan/